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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,129	11/10/2000	Yoshitaka Ukita	09812.0588-00000	4620
22852	7590	04/07/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			TRAN, TUAN A	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/710,129	Applicant(s) UKITA ET AL.	
	Examiner Tuan A. Tran	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3-14, 16-26 and 28-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salazar et al. (5,802,467) in view of Grundvig et al. (6,061,435) and further in view of Furukawa (6,243,022).

Regarding claim 1, Salazar discloses a wireless and wired communications, command, control and sensing system 1 (See figs. 1a, 1b) including a handset device 10 and a base station 25 for two way communication of sound, voice, and data to perform telephone communication, remote command and control of appliances and/or apparatus, remote monitoring, intercom and paging operations, and security functions utilizing both radio and infrared frequencies (See col. 6 lines 31-38) wherein the handset device 10 has a connection means to execute a connecting process for enabling transmission and reception of an information signal by radio communication to and from at least one of a plurality of home appliances which is support audio transmission or reception by radio communication (home appliances such as television, audio system, that support audio transmission or reception by the radio communication, are commonly known in the art as shown by Mershon, U.S Patent No. 6,212,282, figs. 1-3 and col. 1

line 60 to col. 2 line 34, col. 2 line 66 to col. 3 line 60) and are remote-controllable by a single radio communication control protocol (control command transmission utilizes only RF link) (See figs. 1a, 1b and Abstract, col. 4 line 44 to col. 5 line 9). However, Salazar does not mention that the handset device comprises a control means for generating, upon arrival of an incoming call, a remote control signal to the at least one home appliance; and a radio communication means for sending the remote control signal to the at least one home appliance by the radio communication and receiving a confirmation signal from the at least one home appliance in responsive to the remote control signal. Grundvig teaches a cordless telephone system wherein the cordless telephone comprises a control means for generating, upon arrival of an incoming call, a remote control signal to the home appliance; and a communication means for sending the remote control signal to the home appliance by an infrared link (See fig. 1 and Abstract, col. 3 lines 20-24, col. 5 lines 35-58). Furukawa teaches a bi-directional remote control unit and method (See fig. 1) wherein the remote control unit 10 capable of sending a remote control signal to a vehicle communication module 30 and receiving a confirmation signal from the vehicle communication module 30 in responsive to the remote control signal (See figs. 2, 6b, 6c and col. 7 line 40 to col. 8 line 27). Since both Salazar and Grundvig disclose or teach a telephone system wherein a handset is capable of remotely controlling the home appliance, Grundvig also suggest to use other links for sending the remote control signal to the home appliance; therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teachings of Grundvig and Furukawa in modifying the handset device as

disclosed by Salazar by adding a control means for generating, upon arrival of an incoming call, a remote control signal to the home appliance; and a communication means for sending the remote control signal to the home appliance and receiving a confirmation signal from the home appliance in responsive to the remote control signal for the advantage of allowing the user to simultaneously receive and answer the incoming calls, and to be able to control the home appliance properly as the user's intention as well as providing mobility to the user and eliminating wires/cables installation.

Claim 14 is rejected for the same reasons as set forth in claim 1, as method.

Claims 13 and 26 are rejected for the same reasons as set forth in claim 1.

Regarding claims 3 and 10, Salazar & Grundvig & Furukawa disclose as cited in claim 1. Grundvig further discloses the control signal serves to stop the audio output of the at least home appliance under control, wherein the control for stopping the audio output is a sound mute function (See col. 5 lines 35-58).

Claims 16 and 23 are rejected for the same reasons as set forth in claims 3 and 10, as method.

Claims 28 and 35 are rejected for the same reasons as set forth in claims 3 and 10.

Regarding claim 9, Salazar & Grundvig & Furukawa disclose as cited in claim 3. However, they do not mention that the control for stopping the audio output is a function to pause the playing operation. Stopping audio output by pausing the playing operation is well known in the art, therefore it would be obvious to person skilled in the art to

modify the handset, as disclosed by Salazar & Grundvig & Furukawa, to pause the playing operation to stop audio output for the advantage of expanding the capability of the handset to various control functions.

Claim 22 is rejected for the same reasons as set forth in claim 9, as method.

Claim 34 is rejected for the same reasons as set forth in claim 9.

Regarding claims 11, Salazar & Grundvig & Furukawa disclose as cited in claim 3. Grundvig further discloses the remote control signal further serves to execute another control for sending an incoming-call notice to the at least home appliance, wherein audio data for the notice is generated by the telephone set and reproduced by the home appliance (See col. 6 lines 1-10, 56-64).

Claim 24 is rejected for the same reasons as set forth in claim 11, as method.

Claim 36 is rejected for the same reasons as set forth in claim 11.

Regarding claims 4-5 and 8, Salazar & Grundvig & Furukawa disclose as cited in claim 1. However, they do not mention that the connecting means to execute a connecting process periodically in advance so as to enable fast transmission and reception of information to and from the at least one home appliance without having to reestablish the connection or upon arrival of an incoming call so as to enable transmission and reception of the information signal to and from the at least one home appliance, and the acquisition means to acquire the remote control signal in advance from the home appliance. Handshaking process comprising initialization and synchronization processes (such as time and frequency synchronizations) is a necessary and common process in establishing links in radio communication and is

performed periodically, wherein control data signal exchanging between both ends takes place in advance of the actual data transfer; therefore it should be necessary to establish such means as mentioned above at the handset, as disclosed by Salazar & Grundvig & Furukawa, to perform the handshaking process in order to set up a proper and quality connection for exchanging information.

Claims 17-18 and 21 are rejected for the same reasons as set forth in claims 4-5 and 8, as method.

Claims 29-30 and 33 are rejected for the same reasons as set forth in claims 4-5 and 8.

Regarding claim 6 and 12, Salazar & Grundvig & Furukawa disclose as cited in claim 1 and 3. However, they do not mention that upon termination of the call, the connection means releases the connection with the at least one home appliance and the control means executes a control action for resuming the audio output of the home appliance. Since Grundvig suggests that when the handset is not necessary in use (by detecting a parallel set is in an off-hook state), the connection means releases the connection with the home appliance and the control means executes a control action for resuming the audio output of the home appliance (See col. 5 lines 62-67, col. 7 lines 1-11, col. 9 lines 16-20), therefore it would be obvious to person skilled in the art to modify the handset as disclosed in claims 1 and 3, in accordance to the Grundvig's suggestions, when the handset is not in use upon termination of the call for the advantage of saving battery power of the handset as well as providing convenience to

the user by eliminating actions taken by the user to restore the audio signal to its normal volume level.

Claims 19 and 25 are rejected for the same reasons as set forth in claims 6 and 12, as method.

Claims 31 and 37 are rejected for the same reasons as set forth in claim 6 and 12.

Regarding claim 7, Salazar & Grundvig & Furukawa disclose as cited in claim 1. Grundvig further teaches that the control means simultaneously generates the remote control signal to a plurality of home appliances (See col. 8 lines 45-60).

Claim 20 is rejected for the same reasons as set forth in claim 7, as method.

Claim 32 is rejected for the same reasons as set forth in claim 7.

2. Claims 2, 15 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salazar et al. (5,802,467) in view of Grundvig et al. (6,061,435) & Furukawa (6,243,022) as applied to claim 1 above, and further in view of Hill et al. (6,470,189).

Regarding claim 2, Salazar & Grundvig & Furukawa disclose as cited in claim 1. However, they do not mention that the radio communication and the single radio communication control protocol are Bluetooth communication. Bluetooth communication is known in the art as disclosed by Hill (See figs. 2, 6 and col. 1 lines 15-26, col. 3 lines 24-39), therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the handset device and the home

appliance, as disclosed by Salazar & Grundvig & Furukawa, utilized Bluetooth communication for the advantage of expanding the capability of the system to various types of communication protocols.

Claim 15 is rejected for the same reasons as set forth in claim 2, as method.

Claim 27 is rejected for the same reasons as set forth in claim 2.

Response to Arguments

Applicant's arguments filed 01/18/2006 have been fully considered but they are not persuasive.

In response to applicant's argument that Furukawa is nonanalogous art (See Remark, page 11), it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, since both Salazar and Grundvig disclose or teach a telephone handset functioning as a remote control for controlling home appliances and Furutawa teaches a bi-directional remote control for controlling a vehicle communication module; therefore, Furukawa can be used, by person skilled the art, to establish a prima facie case of obviousness.

The Applicant argued that neither Salazar, Grundvig, nor Furukawa alone or in combination teaches or suggest "a single radio communication control protocol" (See Remark, page 12-13). The Examiner respectfully disagrees with the Applicant's

argument because Salazar does teach that home appliances are remote-controllable by a single radio communication control protocol wherein control command transmissions utilize only RF (See Salazar, col. 5 lines 5-10).

For these reasons, the rejections are proper and stand for all the pending claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Tran whose telephone number is (571) 272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tuan Tran


Matthew D. Anderson
SPE - 2618